

COLORADO STATE BOARD OF PHARMACY

March 21, 2013

Minutes

The Colorado State Board of Pharmacy meeting was convened by President Paul Limberis, RPh, at approximately 8:34 a.m. on Thursday, March 21, 2013 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Professions and Occupations Policy Number 80-17.

Board members attending were: Jeannine Dickerhofe, RPh; Heather Hawker, JD; Donald Johnson, RPh; Paul Limberis, RPh; Ginny Orndorff, MBA; Armand Potestio, RPh; and Luis Rivera-Lleras, RPh.

Staff members attending were: Wendy Anderson, RPh, Program Director; Chris Gassen, RPh, Chief Inspector; Lisa Cornett, Inspector; and Jean Rowcliffe, Complaint and Licensing Specialist. Also present were Jo Kaye, Assistant Attorney General, and Jack Wesoky, Senior Assistant Attorney General, to advise the Board.

APPROVAL OF THE MINUTES

The Board approved of the minutes from the January 17, 2013 meeting as amended.

REPORTS

President's Remarks

Mr. Limberis thanked the group planning the National Association of Boards of Pharmacy District 6, 7, and 8 meeting to be held in Boulder, CO in September 2013.

Program Director's Report

Ms. Anderson discussed the Compounding Task Force, in which Board members Armand Postestio, Donald Johnson, Luis Rivera-Lleras, Paul Limberis and Jeannine Dickerhofe will participate. The Board will reach out to the Colorado Medical Board and the Colorado State Board of Veterinary Medicine for additional practitioners wishing to join. The Board discussed that the Task Force will focus on compounding safety, emergency supplies, distinguishing between manufacturing and compounding as well as the movement of compounded products between states.

Ms. Anderson discussed House Bill 12-1059 (Military Spouse Exemption). The Board noted the information.

Ms. Anderson presented proposed amendments to: Board Policy 10-6 (Delegation of Authority to Program Director or Section Director); Policy 20-3 (Administrative Approval of Licenses and Registrations); as well as a new Board Policy 20-14 (Designation of Clearinghouse for License Transfer/Endorsement Applicants). After careful consideration, the Board voted unanimously to approve of the proposed amendments to Board Policy 10-6, Policy 20-3, and to adopt Board Policy 20-14 as amended.

Ms. Anderson also presented proposed amendments to Board Policies 30-5 (Unregistered/Unlicensed Activity), and 30-10 (Issuance of Licenses or Registration to Facilities with Prior Cease and Desist Orders). After careful consideration of the available information, the Board voted unanimously to approve of the amendments to Board Policy 30-5 as amended, and to table Board Policy 30-10 for consideration at a future meeting.

Ms. Anderson presented a proposed Pharmacy Practice Policy & Procedure Manual Form. After careful consideration, the Board voted unanimously to approve the form.

Ms. Anderson told the Board that online applications are coming soon for most boards and programs within the Division of Professions and Occupations, including the Pharmacy Board.

Colorado Pharmacists Society (CPS) – Paul Limberis, RPh

The 2013 CPS Meeting will be held on May 30 through June 1, 2013 at the Cheyenne Mountain Resort in Colorado Springs, CO. The Annual meeting will include an Awards and Installation Dinner, where the Pharmacist of the Year and Bowl of Hygieia Awards will be presented.

Planning has begun for the 2014 Winter Continuing Education (CE) Seminar, which will be held on January 12 through 15, 2014 in Vail, CO. Fifteen hours of CE hours will be offered.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

No Report was provided.

Intern & School Relations – Jeannine Dickerhofe, RPh

Dr. Catherine Jarvis, Assistant Dean of the University Of Colorado Denver School Of Pharmacy, reported about possible legislative changes pertaining to pharmacy interns and the school's desire to change the Board's immunization rules.

Rod Carter, Dean of the Regis University School of Pharmacy, reported that the school's new building is currently under construction. He further reported the death of Susan Paulson, a former school faculty member, and that her memorial service is scheduled for April 5, 2013. In addition, he provided an update regarding an on-site visit to the school by surveyors from the Accreditation Council for Pharmacy Education.

Legislation - Jeannine Dickerhofe, RPh

Jeannine Dickerhofe provided an update to the Board regarding new legislative bills involving biosimilar substitution, pharmacy audits, and the use of naloxone hydrochloride for opiate related drug overdoses.

Inspectors

Humane Society of Boulder County – Distribution of compounded veterinary prescription drug and controlled substance from unlicensed entity

The Board reviewed an Agenda Memorandum from Inspector Susan Martin.

After careful consideration of the available information, the Board voted unanimously to issue a Cease and Desist Order against Humane Society of Boulder County and send them a letter with an application for registration.

Hyrax Pharmaceuticals (WHI 6091)

The Board reviewed an Agenda Memorandum from Ms. Martin regarding attempted inspections of Hyrax Pharmaceuticals.

After careful consideration of the available information, the Board voted unanimously to initiate a complaint against Hyrax Pharmaceuticals' in-state prescription drug wholesaler registration.

Pencol Compounding Pharmacy, PDO 154

The Board reviewed an Agenda Memorandum from Ms. Martin and Mr. Gassen regarding recent inspections of Pencol Compounding Pharmacy. The Board voted unanimously to initiate a complaint against Pencol Compounding Pharmacy's prescription drug outlet registration.

OLD BUSINESS

Correspondence

Controlled Substances accountability

The Board reviewed an Agenda Memorandum from Ms. Martin regarding inspections of Wal-Mart Pharmacy #10-3824. The Board voted unanimously to initiate complaints against Tatiana Y. Makarova, RPH 18510 and Jessica L. Klickna, RPH 17454, both of which served as pharmacist managers at the Wal-Mart Pharmacy # 10-3824 where, during their tenures as pharmacist managers, there are alleged unaccountabilities of controlled substances.

Declaratory Order Petition & Rule 23.00.00

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a legal opinion pertaining to a petition from Craig Hospital the Board reviewed during its January meeting.

The Board declined to rule on the matter and directed staff to draft proposed rules to be reviewed at an upcoming meeting.

Physician Dispensary

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding the Cease and Desist Order the Board voted to order against Panorama Orthopedics & Spine Center at its January 2013 meeting.

After careful consideration of the available information, the Board voted unanimously to rescind its prior directive to issue a Cease and Desist Order and to send an informative letter to Panorama Orthopedics & Spine Center. The Board also directed that a copy of this letter be sent to the Colorado Medical Board.

Complaints

Brown's Compounding Center, PDO 589 & Case 2012-6416

The Board reviewed an Agenda Memorandum from Inspector Mark O'Neill concerning additional information the Board requested during its review of this case at its January 2013 meeting.

The Board voted unanimously to table further consideration of the matter pending receipt of additional information.

Stipulations

Buschmann (Hornby), Theresa, RPH 17826 & Case 2008-3744

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from Ms. Buschmann to come speak with the Board. The Board also noted that Ms. Buschmann has failed to submit reports required by her Stipulation and Final Agency Order.

The Board voted unanimously to deny her request to come speak with the Board. The Board also voted unanimously to initiate a complaint against Ms. Buschmann for her alleged failure to submit reports required by her Stipulation and Final Agency Order.

Glenn Kruk, RPH 12225

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Kruk's request to modify the terms of the Stipulation and Final Agency Order.

After careful consideration of the available information, the Board voted unanimously to modify Mr. Kruk's Stipulation and Final Agency Order to allow him to be a pharmacist manager and consultant pharmacist with the approval of the Pharmacy Peer Health Assistance Diversion Program and to change his work requirement to sixty hours per month for the majority of his probation.

Orr, Meki, RPH 18887 & Case 2012-1555

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from Ms. Orr for an extension of the time to complete the Problem Based Ethics ("ProBE") Course.

The Board voted unanimously to grant a one year extension to Ms. Orr to take and pass the ProBE.

Walgreen Pharmacy # 5645, PDO 82-8 & Case 2012-5952

Donald Johnson, RPh, recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from this pharmacy for the Board to approve its policy and procedure manual addressing the storage of refrigerated drugs when the pharmacy's refrigerator breaks down pursuant to the Stipulation and Final Agency Order the pharmacy entered into with the Board effective November 19, 2012. After careful consideration, the Board voted unanimously to approve the policy and to restore the pharmacy's registration to an active and unconditional status.

Yengst, Michael, RPH 16328 & Case 2012-6781

Donald Johnson, RPh, recused.

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding the findings of an evaluation from the Peer Health Assistance Diversion Program. The Board voted unanimously to refer this matter to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the complaint as being without merit.

NEW BUSINESS

Complaints

Aung, Myo, RPH 19190 2012-6246

Donald Johnson, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

B&B Pharmaceuticals, Inc., WHI 6002 2013-0169

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

B&B Pharmaceuticals, Inc., MFR 1004 2013-0170

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Boulder County Sheriff's Office, LTD 63 2013-0257

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Brown's Compounding Center, PDO 589 2013-0114

The Board voted unanimously to dismiss the complaint as being without merit.

Cornell Prescription Pharmacy, PDO 40 2013-0167

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Madison, Valerie, RPH 15715

2013-0168

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Davis, Gregory, RPH 14490

2012-6468

Jeannine Dickerhofe, RPh, recused.

The Board voted unanimously to dismiss the complaint as being without merit.

Defratus, Janet, RPH 11615

2012-6818

The Board voted unanimously to dismiss the complaint as being without merit.

Hodges, Kellene, RPH 14768

2012-6882

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Kaiser Permanente Rock Creek Pharmacy, RPH 12-07

2012-6471

Jeannine Dickerhofe, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

King Soopers Pharmacy #33, PDO 9-13

2012-0304

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Longo, Susan, RPH 14113

2012-6872

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Med Shop Total Care Pharmacy, OSP 5929

2012-6791

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Vibra Long Term Acute Care Pharmacy, PDO 119-11 **2012-6486**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Turley, James, RPH 17951 **2012-6484**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Northglenn Police Department, LTD 19 **2012-6633**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

Northwest Colorado Visiting Nurse Association, Inc., OO 429 **2012-6785**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Pencol Compounding Pharmacy, PDO 154 **2012-6856**

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Pharmerica, OSP 5137 **2012-6857**

The Board voted unanimously to table further consideration of this case and refer the matter to the Indiana Board of Pharmacy.

Wedgewood Village Pharmacy, OSP 5464 **2012-6859**

The Board voted unanimously to table further consideration of this case and refer the matter to the New Jersey State Board of Pharmacy.

Philop, Andrea, RPH 16758 **2012-6874**

The Board voted unanimously to dismiss the complaint as being without merit.

Presbyterian – St. Lukes Medical Center Pharmacy, PDO 165 **2012-6588**

The Board voted unanimously to dismiss the complaint as being without merit.

Safeway Pharmacy, PDO 44-50

2012-6741

The Board voted unanimously to dismiss the complaint as being without merit.

Walgreen Pharmacy # 5547, PDO 24-118

2012-6368

Donald Johnson, RPh, recused.

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to dismiss the case as being without merit.

Wedgewood Village Pharmacy, OSP 5464

2012-6732

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, the Board voted unanimously to refer the case for discipline.

Delta County Memorial Hospital, PDO 99-24

2012-6733

The Board voted unanimously to refer the case to Executive Session.

After Executive Session, The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmacists, Pharmacy Businesses, and Pharmaceuticals Act.

The Board also voted unanimously to initiate a separate case against Mark Carlton, RPH 11282, the pharmacist manager of Delta County Memorial Hospital, then dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

LICENSING/REGISTRATION

Brumfield, Megan, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding Ms. Brumfield's application for a Pharmacy Intern license. After careful consideration of the available information, the Board voted unanimously to table further consideration of this matter pending receipt of an evaluation from the Colorado Peer Health Assistance Diversion Program.

Rooney, Miles, Pharmacy Intern Applicant

The Board reviewed an Agenda Memorandum from Ms. Rowcliffe regarding Mr. Rooney's application for a Pharmacy Intern license. After careful consideration of the available information, the Board voted unanimously to table further consideration of this matter pending receipt of an evaluation from the Colorado Peer Health Assistance Diversion Program.

MISCELLANEOUS

Correspondence, etc.

American Society of Retina Specialists

The Board reviewed a letter by the American Society of Retina Specialists. After careful consideration, the Board directed that a letter be sent back addressing the concerns raised in the letter.

Cease and Desist All False and Unlawful Statements

The Board noted the information.

Medication Therapy Management

The Board reviewed an Agenda Memorandum from Ms. Anderson regarding an inquiry as to whether a pharmacist, who is licensed in another state and is providing medication therapy management for Colorado residents, is required to be a licensed Colorado pharmacist. After careful consideration of the available information, the Board voted unanimously to table the matter pending the receipt of additional information.

NABP Recommendations from the Task Force on Control and Accountability of Prescription Medications.

The Board noted the information.

Question Regarding Compounding Pharmacy Shipping to Second Pharmacy to Dispense Patient Prescription.

The Board reviewed an inquiry regarding whether Colorado law permits a pharmacy to prepare a sterile compound per prescription, and then ship the prescription to a second pharmacy to be dispensed. After careful consideration of the available information, the Board determined that Colorado law does not permit a pharmacy to prepare a sterile compound pursuant to a prescription order, and then ship the prescription to a second pharmacy to be dispensed.

Proposed Policy for Remote Pharmacy Practice under Board Rule 26.00.00

The Board reviewed proposed policies for Remote Pharmacy Practice from HCA/HealthONE Consolidated Pharmacy, Montrose Memorial Hospital Pharmacy, and San Luis Valley Regional Medical Center. The Board voted unanimously to approve the policies.

SBOP FY12-13 QTR2 Rep

The Board noted the information.

EXECUTIVE SESSION

At 12:14 p.m., Board President Paul Limberis, R.Ph. moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with six votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 2:36 p.m.

Open Session

Case 2012-2857

The Board voted unanimously to deny counteroffer

ADJOURNMENT

The Board adjourned at 2:47 p.m.

Paul Limberis, R.Ph.
Board President

Approval Date